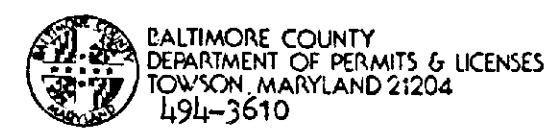


Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



TED ZAKS, JR.
DIRECTOR
Mr. William W. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on item 364

are as follows:

Property Owner:

Location:

Existing Zoning:

Proposed Zoning:

Variance to permit rear yard setback of 17' in lieu of 20'

Address:

District:

The items checked below are applicable:

A. All structures shall conform to the Baltimore County Building Code 1981/

Council Bill 111-57, which amended the Code from the 1978 amendments, and

other applicable Codes.

B. A building and/or other miscellaneous permits shall be required before beginning

construction.

C. Residential: Three sets of construction drawings are required to file a permit

application. Architect/Engineer seal is/are not required.

D. Commercial: Three sets of construction drawings with a Maryland Registered

Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour

fire resistive construction, no openings permitted within 3'-0" of lot lines. A

firewall is required if construction is on the lot line. See Table 101, Line 2,

Section 1107 and Table 1102.

F. Requested variance conflicts with the Baltimore County Building Code,

Section/s _____

G. A change of occupancy shall be applied for, along with an alteration permit

application, and three required sets of drawings indicating how the structure

will meet the Code requirements for the proposed change. Drawings may require

a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru

the services of a Registered in Maryland Architect or Engineer certify to this

office that the structure for which a proposed change in use is proposed can

comply with the height/area requirements of Table 202 and the required construction

classification of Table 101.

I. Comments:

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,

Charles E. Burnham, Chief
Plans Review

CEB:rrj
POB: 01-82

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NE/Corner of Seling Ave. & : OF BALTIMORE COUNTY
Analee Rd. (1505 Seling :
Ave.), 14th District :
LOUIS F. BENDER, et ux, : Case No. 85-38-A
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 25th day of July, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Louis F. Bender, 1505 Seling Ave., Baltimore, MD 21237, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

ZONING DESCRIPTION

Beginning on the Northeast side of Seling Avenue 30' wide and on the corner at the intersection of Analee Road. Being Lot 33, Block B, in the subdivision of Hillbrook. Book GLB No. 21, Folio 71. Also Known as 1505 Seling Avenue in the 14th election district.

PETITION FOR VARIANCE

ZONING: Petition for Variance
LOCATION: Northeast corner of Seling Avenue and Analee Road (1505 Seling Avenue)
DATE & TIME: Monday, August 13, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

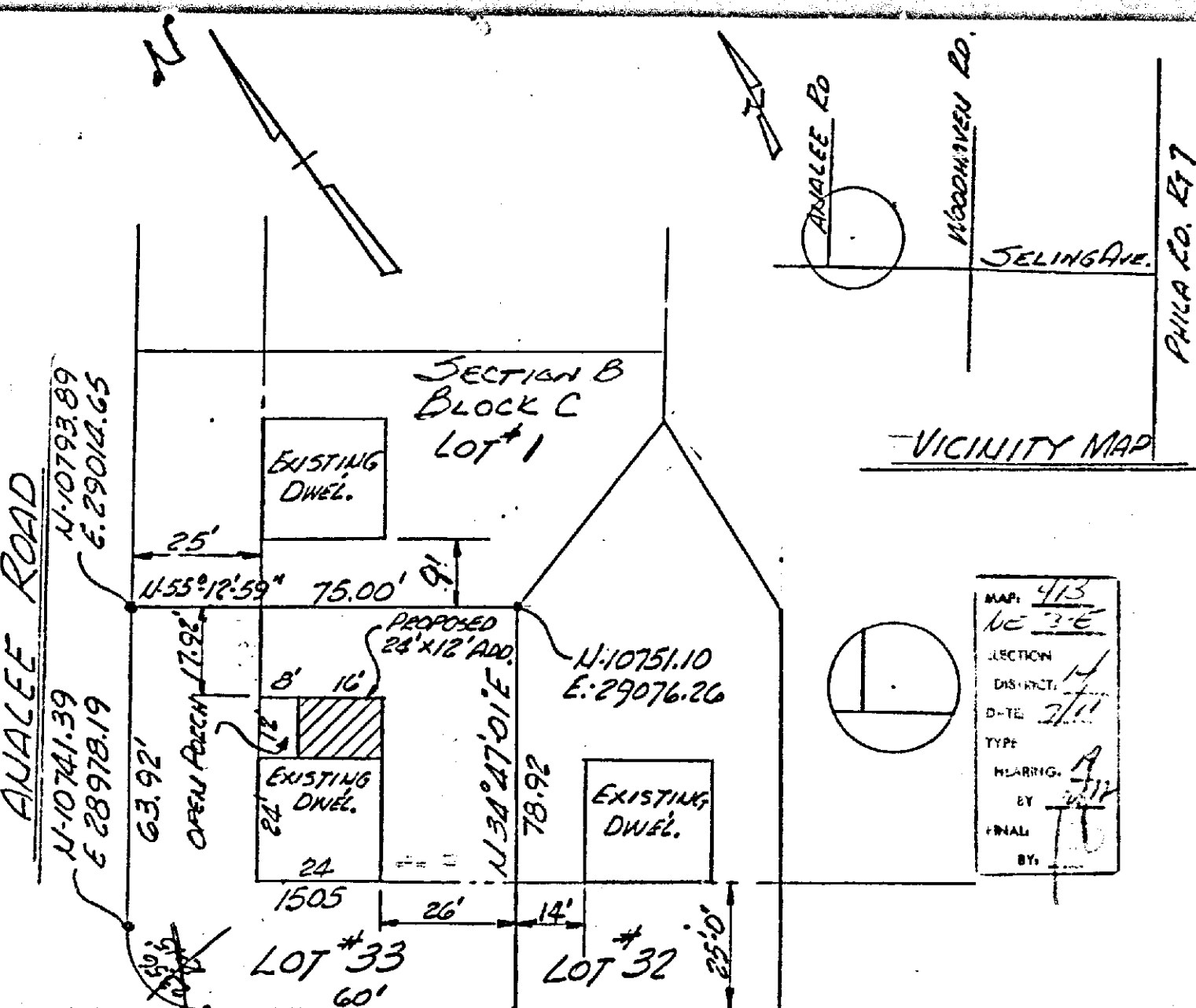
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a rear yard setback of 17 ft. in lieu of the required 20 ft.

Being the property of Louis F. Bender, et ux, as shown on plat filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

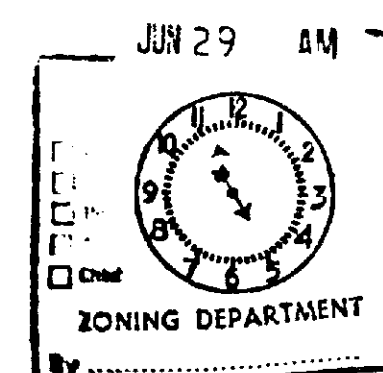
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



SELING AVENUE

PLAT FOR ZONING VARIANCE
OWNERS: LOUIS F. & MARY E. BENDER
DISTRICT NO. 14 - ZONED: DR. 5.5
SUBDIVISION: HILLBROOK
LOT 33, BLOCK B, BOOK GLB NO. 21, FOLIO 71
EXISTING UTILITIES: SELING AVE.
SCALE: 1"=30'-0"

PETITIONER'S
EXHIBIT



Mr. Arnold Jablon
Zoning Commissioner
111 W. Chesapeake Ave.
Baltimore, Maryland 21204

Dear Mr. Jablon:

On June 25, 1984, I filed a petition for a zoning variance (#264) in order that an addition can be built at my residence to accommodate an aged, handicapped parent who will be living with me. At the time of filing, I was told that a hearing would be held not before the end of August.

The purpose of this letter is to request that the hearing take place some time in July so that if the variance is granted, the work can be completed in time to alleviate my present problem.

Thank you for your consideration and cooperation.

Sincerely,
Mary E. Bender
Mary E. Bender

July 16, 1984

Mr. & Mrs. Louis F. Bender
1505 Seling Avenue
Baltimore, Maryland 21237

NOTICE OF HEARING

Re: Petition for Variance
NE/cor. of Seling Ave. & Analee Rd.
(1505 Seling Avenue)
Louis F. Bender, et ux - Petitioners
Case No. 85-38-A

TIME: 10:00 A.M.

DATE: Monday, August 13, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 6/25/84 ACCOUNT: 2-01-615-000

AMOUNT: \$35.00

RECEIVED FROM: *Mary E. Bender* FOR: *Phyllis Cole Friedman* #364

VALIDATION OR SIGNATURE OF CASHIER

85-38-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14 Date of Posting: 7/29/84

Posted for: Petition for Variance

Petitioner: Louis F. Bender, et ux

Location of property: NE 1/4 of Section 14, Annapolis Rd.

Location of Sign: Facing intersection of Siding & Siding

Remarks: _____

Posted by: John J. Jablon Date of return: 7/31/84

Number of Signs: 1

85-38-A
38

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 26, 1984.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 26, 1984.

THE JEFFERSONIAN,
JB Kentel
Publisher

\$20.00

PETITION FOR VARIANCE
14th Election District
Zoning: Petition for Variance
Location: Northeast corner of Siding Avenue and Siding Road (1505 Siding Avenue)
DATE & TIME: Monday, August 12, 1984 at 10:00 A.M.
PUBLIC HEARING: Please see County Office Building, 113 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Variance to permit a rear yard setback of 17 feet instead of the required 20 feet.
Being the property of Louis F. Bender, et ux, as shown on plat filed with the Zoning Department. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the hearing of said period during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF:
ARNOLD JABLON
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222 July 26, 1984

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of P.O. #57761 - Reg. #163209, was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 27th day of July 1984; that is to say, the same was inserted in the issues of July 26, 1984

Kimbel Publication, Inc.
per Publisher.

By: *Kimbel*

PETITION FOR VARIANCE
14th Election District
Zoning: Petition for Variance
Location: Northeast corner of Siding Avenue and Siding Road (1505 Siding Avenue)
DATE & TIME: Monday, August 12, 1984 at 10:00 A.M.
PUBLIC HEARING: Please see County Office Building, 113 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Variance to permit a rear yard setback of 17 feet instead of the required 20 feet.
Being the property of Louis F. Bender, et ux, as shown on plat filed with the Zoning Department. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the hearing of said period during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF:
ARNOLD JABLON
Zoning Commissioner of Baltimore County

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

August 3, 1984

Mr. & Mrs. Louis F. Bender
1505 Seling Avenue
Baltimore, Maryland 21237

Re: Petition for Variance
NE/cor. Seling Ave. & Annapolis Rd.
(1505 Seling Avenue)
Louis F. Bender, et ux - Petitioners
Case No. 85-38-A

Dear Mr. & Mrs. Bender:

This is to advise you that \$53.80 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,
LD Jablon
LD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 8-13-84 ACCOUNT: R-01-615-000

AMOUNT: \$53.80

RECEIVED FROM: Louis F. Bender

FOR: adv. & posting Case # 85-38-A

C 622*****538016 #134F

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION ZONING VARIANCE
NE/cor. of Seling Avenue and Annapolis Road (1505 Seling Avenue) - 14th Election District
Louis F. Bender, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-38-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 17 feet instead of the required 20 feet in order to construct an addition, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the property, zoned D.R.5.5, is a corner lot with a house facing Seling Avenue. The Petitioners propose to construct an addition to the rear of their home to allow Mrs. Bender's father, who is handicapped, to live with them. This addition will consist of a 12' x 16' living area and a 12' x 8' open porch. The placement of the addition will allow easier accessibility to the home.

The Petitioners seek relief from Section 1802.3.B. (Section III.C.4, 1945 Baltimore County Zoning Regulations (BCZR)).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty.

McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of August, 1984, that the Petition for Zoning Variance to permit a rear yard setback of 17 feet instead of the required 20 feet be and the same is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ASL
Zoning Commissioner of Baltimore County

AJ/srl

cc: Mr. & Mrs. Louis F. Bender
People's Counsel

ORDER RECEIVED FOR FILING
DATE: August 13, 1984
BY: *John J. Jablon*
ADMINISTRATIVE ASSISTANT

August 10, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County

Dear Mr. Jablon:

I am the owner of the property adjacent to 1505 Seling Avenue whose owners are requesting a permit for a zoning variance to allow them to construct a roofed, screened-in porch.

I wish it made known that I have no objection to granting the permit.

Very truly yours,
Robert Bohrenberg
8103 Annapolis Ave

PETITIONER'S EXHIBIT 2